

**FILED**

## UNITED STATES DISTRICT COURT

United States District Court  
Albuquerque, New Mexicofor the  
District of New MexicoMitchell R. Elfers  
Clerk of CourtIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Mario FIGUEROA-CAMARILLO  
YOB: 1984Case No. **24mr1244**

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Mario FIGUEROA-CAMIRILLO DOB 07/04/1984, currently detained at the Cibola County Correctional Center.  
located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

DNA sample by way of buccal swab

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. 922(g)(5)(A)

Prohibited Person in Possession of a Firearm and Ammunition

The application is based on these facts:

See attached;

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Matthew D. Salcido Deportation Officer

Printed name and title

Submitted electronically and signed telephonically.

Date: 07/03/2024

City and state: Albuquerque, New Mexico

Judge's signature

Laura Fashing

Honorable \_\_\_\_\_ Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**IN THE MATTER OF THE SEARCH OF**

Mario FIGUEROA-CAMARILLO

YOB: 1984

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT  
APPLICATION FOR A SEARCH WARRANT**

1. Your affiant, Matthew D. Salcido, being first duly sworn, hereby deposes and states as follows:

**INTRODUCTION AND BACKGROUND OF THE AFFIANT**

2. Your affiant makes this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to obtain a deoxyribonucleic acid (DNA) sample, by way of buccal swab, from Mario FIGUEROA-CAMARILLO for laboratory analysis. Your affiant believes FIGUEROA-CAMARILLO's DNA may be present on, or within, a firearm collected from the scene of FIGUEROA-CAMARILLO's arrest on December 6, 2022. At the time, FIGUEROA-CAMARILLO was arrested and charged with Receiving or Transferring a Stolen Motor Vehicle, Receiving Stolen Property (Firearm) and Possession of a Controlled Substance. (Case number D-202-CR-2019-02643)

3. Your affiant has been a law enforcement officer for over 18 years and employed as a Deportation Officer (DO) with Immigration and Customs Enforcement (ICE). Your affiant is currently assigned to the Criminal Alien Program (CAP) where your affiant is responsible for the investigation and apprehension of fugitives, individuals found to be amenable to removal from the United States, and prosecution of those found to be in violation of Federal Law. Your affiant has received on the job training from other experienced agents and detectives in the investigation of gangs and criminal organizations. Your affiant's investigative training and experience includes, but is not limited to, conducting surveillance, interviewing subjects, targets and witnesses, writing affidavits for and executing search and arrest warrants, managing cooperating sources, issuing subpoenas, collecting evidence—including the collection of DNA evidence—and analyzing public records.

**FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE**

4. During the month of January 2023, DO Salcido received information from New Mexico State Police (NMSP) Agent J. Santana regarding Mario FIGUEROA-CARAILLO. Agent Santana advised that on December 6, 2022, FIGUEROA-CARAILLO was arrested and charged with Receiving or Transferring a Stolen Motor Vehicle, Receiving Stolen Property (Firearm) and Possession of a Controlled Substance.
5. Agent Santana advised that as part of his duties while assigned to the NMSP Auto Theft Suppression Unit (ATSU), he located a stolen Ford F-350 pickup truck bearing Minnesota license plate YCC3131. The Ford F-350 was verified as stolen through Agent Santana's computer aided dispatch (CAD).
6. ATSU began surveilling the Ford F-350 for approximately 1-2 hours throughout the southwest

and later southeast areas of Albuquerque, NM. During this time the Ford F-350 made various stops that did not last more than 30 minutes.

7. ATSU devised an arrest plan that included members of the NMSP tactical team due to the size of the vehicle, the potential for damage to other vehicles, and danger to the public if the stolen Ford F-350 did not yield to law enforcement.
8. NMSP tactical team members and ATSU members set up for a high-risk vehicle stop and Agent Santana spike stripped the Ford F-350 in the southeast area of Albuquerque, NM, and the NMSP tactical team and ATSU arrested the driver and sole occupant without incident.
9. The driver was identified as FIGUEROA-CAMARILLO via the Mexican passport found on his person. A search of FIGUEROA-CAMARILLO, incident to arrest, resulted in the location of a loaded black pistol magazine in his left front jacket pocket and approximately \$1,786 U.S. currency on his person. The magazine contained approximately twelve (12) rounds of 9mm ammunition.
10. A search of the stolen Ford F-350 prior to towing resulted in the location of a loaded Taurus 9mm semi-automatic pistol, bearing serial number TLM07352, that was located on the rear floorboard within arm's reach of the driver. NMSP later found that the firearm was stolen out of Albuquerque, NM.
11. Upon further search of the Ford F-350, NMSP located a black bag in the center console that contained a clear plastic baggie with suspected methamphetamine, a digital scale, and a number of small blue circular pills suspected to be fentanyl.
12. The suspected methamphetamine was later found to weigh approximately 66 gross grams and tested positive for the presumptive properties of methamphetamine. Based on my training and experience, the amount of methamphetamine is consistent with a distribution quantity. The



suspected blue circular pills were found to be marked with M30 on one side, consistent with fentanyl, and weighed approximately 2.8 grams.

13. It should be noted that the Taurus firearm located in the back of the Ford F-350 was loaded with one 9mm round in the chamber and the magazine inserted into that weapon was an identical match to the loaded 9mm magazine located on FIGUEROA-CAMARILLO's person.
14. During the investigation, NMSP found that FIGUEROA-CAMARILLO was released from the Bernalillo County Metropolitan Detention Center (MDC) on conditions of release after being arrested and charged in case number, D-202-CR-2019-02643, in the Second Judicial District Court in Bernalillo County. FIGUEROA-CAMARILLO was charged with First Degree Murder and other charges occurring on May 20, 2019. It was further noted that FIGUEROA-CAMARILLO was wearing an ankle monitor in relation to his conditions of release.
15. NMSP Officers read FIGUEROA-CAMARILLO his rights per *Miranda*. FIGUEROA-CAMARILLO invoked his rights and asked for an attorney. No further questions were asked. FIGUEROA-CAMARILLO was later booked into MDC.
16. NMSP contacted the owner of the stolen Ford F-350 who advised at the time of the theft there were no weapons or ammunition in the vehicle and no weapons had been stolen from the owner.
17. On January 8, 2023, DO Salcido conducted records checks of all pertinent indices utilizing the booking information provided by FIGUEROA-CAMARILLO as well as the pedigree information obtained from the valid Mexican Passport found on FIGUEROA-CAMARILLO's person. DO Salcido found that FIGUEROA-CAMARILLO is a citizen and national of Mexico by virtue of birth in Cuernavaca, Morelos, Mexico. DO Salcido was unable to locate any records reflecting that FIGUEROA-CAMARILLO made a legal entry into the United States

nor did he have permission from the Department of Homeland Security to enter, pass through or reside in the United States. FIGUEROA-CAMARILLO is thus illegally present in the United States.

18. Further records reflect that FIGUEROA-CAMARILLO, as noted above, was indicted in the Second Judicial District Court located in Bernalillo County, New Mexico, for the offense of First-Degree Murder and two counts of Aggravated Assault (deadly weapon) in case number D-202-CR-2019-02643. DO Salcido verified that FIGUEROA-CAMARILLO was on conditions of release on this case at the time of his arrest on December 6, 2022. This case was dismissed on June 6, 2023.
19. On June 20, 2023, a complaint was filed in 23-mj-1041-SCY charging FIGUEROA-CAMARILLO with 18 U.S.C. §§ 922(g)(5)(A) and 924: Possession of a Firearm and Ammunition by an Alien Illegally or Unlawfully Present in the United States. The facts forming the basis of the complaint arise out of FIGUEROA-CAMARILLO's arrest on December 6, 2022, as described above.
20. On June 27, 2023, FIGUEROA-CAMARILLO had his initial appearance in 23cr946-WJ.
21. Also on June 27, 2023, a redacted federal Indictment was filed charging FIGUEROA-CAMARILLO with 21 U.S.C. § 841(a)(1) and (b)(1)(B): Possession with Intent to Distribute 50 Grams and More of a Mixture and Substance Containing Methamphetamine; 18 U.S.C. § 924(c)(1)(A)(i): Using and Carrying a Firearm During and in Relation to a Drug Trafficking Crime, and Possessing a Firearm in Furtherance of Such Crime; and 18 U.S.C. § 922(g)(5) and 924: Alien in Possession of a Firearm and Ammunition.

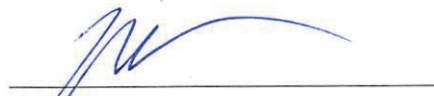
### **CONCLUSION**

22. Based on the above information, your Affiant believes there is probable cause that Mario


FIGUEROA-CAMARILLO is in violation of Title 18 U.S.C. §§ 922(g)(5)(A) and 924, a prohibited person in possession of a weapon and ammunition, specifically identified as; Taurus, model: G2C, bearing seral number TLM07352. There is also probable cause to believe that FIGUEROA-CAMARILLO's DNA will be located on the firearm, magazines, and ammunition seized at time of his arrest. Therefore, your affiant submits this affidavit which supports probable cause for a warrant to search the person of Mario FIGUEROA-CAMARILLO and seize a DNA sample, by way of buccal swab.

23. This affidavit was approved by Assistant United States Attorney Samuel Hurtado.

Respectfully submitted,

  
Matthew D. Salcido  
Deportation Officer

Subscribed and sworn to me telephonically.  
This 3rd day of July 2024:

  
Honorable ~~XXXXXXXXXXXX~~ Laura Fashing  
United States Magistrate Judge